

Policy Answers and Direction for New Land Development Code

We agree that it's time for the Council to provide to city staff clear direction on key policy drivers - with a level of specificity that ensures success in meeting the objectives of the community and reflecting our core values.

Below is our list of detailed policy questions that Council should answer prior to City Staff drafting any revision to our Land Development Code. We have also provided our initial answers to these questions and would like to pose these questions for Council deliberation.

We ask our colleagues and the community to weigh-in and answer these policy questions. This draft of detailed policy questions should inform the discussion at the April public hearing, and if a majority of the Council desires, we can use this as a starting point to create a resolution for our Council vote in April.

Form-based vs Euclidean (Use-base) Zoning:

Question 1: Do we want a Form-based code or an Euclidean (use-based) code?

Answer: Our new land development code should be primarily based on a form-based code. Form-based would facilitate more mixed-use buildings allowing areas to redevelop naturally and incrementally by focusing first on the size and scale of the built environment. To support and complement the form-based code, use restrictions should follow a more context-sensitive policy framework ranging from straight-forward incompatible uses (industrial vs. residential) and uses allowed with certain conditions (access to levels of infrastructure). Simplicity and accessibility should also be priorities when developing a form-based code.

Future Growth:

Question 2: What is the level of housing capacity and forecast needed to achieve our City's goal of a 135,000 new residential units?

Answer: Capacity and Forecast methodologies do not appear to fully account for the wide variety of additional barriers to building housing. A 3rd order assumption (Yield) is necessary to account for site-by-site variability. In order to achieve our desired yield Council needs to set some magnitude of higher goals for our housing capacity and forecast. For example, with a desired "Yield" of 135k, the forecast reasonably could be 2x-3x the yield, and the capacity could be 2x-3x of the forecast. To depict this, much of the greenfield area in District 6, which, while sufficiently entitled, has not developed in the decades since those entitlements were granted.

Question 3: To what extent should affordability regulations be incorporated into the new Land Development Code?

Answer: Beginning with the policies proposed in the "Affordability Unlocked" proposal, which acknowledges that regulations inherently raise the cost of building new housing, we should explore applying parts of these policies to developments near shared community assets – such as schools, transit, grocery stores, job centers, medical facilities, parks, and walkable commercial areas – and further expanding the density bonus programs.

Question 4: Where should we focus new, denser, mixed-use development to achieve our housing goals and the goals of Imagine Austin? Should new housing capacity be concentrated near downtown, along transit corridors, or distributed throughout the city?

Answer: New housing will naturally be distributed throughout the city. One of the main housing issues we need to address is the housing replacement ratio. Today because of our existing regulations we often see a one-to-one replacement ratio where one existing unit is torn-down and replaced by a one-unit new home (often larger). Areas near transit, parks, or other shared community assets are appropriate for denser housing styles. At the same time, we should allow redeveloping areas distant from infrastructure (transit, parks, and shared community assets) to maintain their building form but allow for additional units.

Question 5: What are the transit-supportive density targets needed to help prioritize new residential units and how do we designate the areas where we want to apply these targets?

Answer: Both residential and commercial space density is required to support a robust transit system. Capital Metro's minimum guidelines hold that 16 people or 8 employees per acre will facilitate bus service. Research shows that a target of 54 people and jobs per acre facilitates more high-capacity transit investments. We should aim for much higher targets such as these two minimums to achieve our transit-supportive density targets. The ASMP can provide an initial guide for where we should apply each transit-supportive density target.

Question 6: How should we balance sufficient housing supply with non-zoning requirements related to environmental protection, open space, reducing flood risk, transportation, infrastructure, urban forest protection, etc?

Answer: Housing affordability should be the primary policy driver, but context sensitivity is key. Areas that lack sufficient infrastructure (like regional stormwater systems) may require more on-site solutions. We should allow some level of variance for some building form regulations (setbacks, height, building cover, etc.) to help maximize the shared community values of housing, parks and tree preservation, and mitigating flood risk. City staff should explore the feasibility of how regulations can overlap (e.g. how a drainage field can also safely serve as open space). We should also involve stakeholders in testing the code to ensure that non-zoning parameters do not needlessly hinder necessary housing.

Question 7: Should some uses be allowed everywhere? For example, nursing homes and daycares?

Answer: Uses should be regulated through context-sensitive policy within appropriate building scale and not solely through by-lot zoning regulation. For example, daycares should only be restricted from areas that represent a health or safety issue and should have an appropriate building scale that is context sensitive. Care should be taken to not stigmatize particular uses and the vital services they provide for our residents

Housing:

Question 8: What should the number of residential units per lot be within the City?

Answer: All residential house scale zones should allow for single family homes. Use restrictions should be people-driven and context-sensitive and not driven solely through by-lot zoning regulation. The smallest form of residential development (residential house-scale) should allow for single family, duplex, triplex, or ADU development depending on site conditions.

Question 9: How should existing McMansion standards for regulating the scale and form of infill housing be carried forward, changed, or repealed in a new code?

Answer: We should transform the McMansion regulations to preserve smaller more affordable homes and/or enable more units per lot within the house-scale form of the neighborhood.

Compatibility:

Question 10: What should the role of compatibility be in the new land development code?

Answer: We should support context-sensitive compatibility based on policy and future conditions, including the opportunity for increased entitlements through compatibility when faced with odd-shaped lots adjacent to shared community assets.

Parking:

Question 11: How should parking requirements be reflected in the new land development code?

Answer: One option could be to eliminate parking minimums city-wide and adopt parking maximums or minimum unit-yield in areas necessary to ensure sufficient transit-supportive development. Another option could be to eliminate parking minimums except in areas that require a more context-sensitive approach. Both options should be done with the understanding that parking supply will still be determined by both the market and federally mandated ADA-accessible parking and Transportation Demand Management (TDM) requirements. Whether parking should be counted against FAR should also be determined.

Lot Regulations:

Question 12: Should there be a minimum lot size and/or lot width? If so, what lot sizes should be allowed in the City?

Answer: We should explore eliminating minimum lot size and lot width in exchange for minimum outcomes (like number of units).

F25 Zoning:

Question 13: Should zoning from the current land development code be preserved via F25? Should it be maintained in some cases and not others? What should be the process for future changes to F25?

Answer: Our goal is to create a simplified and unified Land Development Code that does not allow for a two-part zoning code nor for an opt-out of the land-code reform. We recognize the possibility of needing a mechanism for some properties, with existing complex zoning, to transition to the new Land Development Code.

Impervious Cover:

Question 14: What helps address flooding more, impervious cover or drainage system?

Answer: Drainage systems. Impervious cover is a tool that lacks nuance, does too little in critical flooding areas, and is too restrictive where infrastructure exists. More flexibility in impervious cover can be a benefit if it comes with additional drainage infrastructure. This could address key flooding issues and allow increased density (housing, commercial, retail, etc.) especially when near shared community assets. It is not our intent to change regulations governed through the Save Our Springs Ordinance (SOS).

Criteria Manuals:

Question 15: To what extent should site development regulations be set in staff approved Criteria Manuals?

Answer: Council should set policies driving the site development regulations and staff approved Criteria Manuals should only be the implementation of the Council approved policies.